

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:

LECLAIRRYAN PLLC,
Debtor.

Lynn L. Tavenner, as Chapter 7 Trustee,
Plaintiff.

v.

ULX Partners, LLC, UnitedLex Corporation,
and ULX Managers, LLC,
Defendants.

Lynn L. Tavenner, as Chapter 7 Trustee,
Plaintiff.

v.

CVC Capital Partners, Daniel Reed, Nicholas
Hinton, Josh Rosenfeld, P. Douglas Benson,
Defendants.

Chapter 7

Case No. 19-34574 (KRH)

Adv. Proc. Nos. 20-03142 (KRH)

and

21-03095 (KRH)

**NOTICE OF MOTION OF THE UNITED STATES TRUSTEE
FOR A STATUS CONFERENCE AND A SCHEDULING ORDER**

PLEASE TAKE NOTICE that John P. Fitzgerald, III, Acting United States Trustee for Region Four, has filed papers with the court requesting an expedited hearing on his **Motion For a Status Conference and Scheduling Order** (the “Scheduling Motion”).

PLEASE TAKE FURTHER NOTICE that Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

PLEASE TAKE FURTHER NOTICE that on September 4, 2019, the Court entered the Order Establishing Certain Notice, Case Management and Administrative Procedures [ECF No. 38]

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Shannon Pecoraro, Esq. (VSB No. 46864)
Jason B. Shorter, Esq. (VSB No. 80929)
Office of the United States Trustee
701 East Broad Street, Suite 4304
Richmond, VA 23219
Telephone: (804) 771-2310
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(the “Case Management Order”), which approved the Notice, Case Management, and Administrative Procedures attached as Exhibit 1 to the Case Management Order (the “Case Management Procedures”). The Case Management Procedures, among other things, prescribe the manner in which an Objection must be filed and served and set forth when certain hearing will be conducted. A copy of the Case Management Order may be obtained, free of charge, by written request to Kathryn.Montgomery@usdoj.gov or, for a fee, at <http://ecf.vaeb.uscourts.gov>.

PLEASE TAKE FURTHER NOTICE if you do not want the Court to grant the relief sought in the Scheduling Motion, or if you want the Court to consider your views on the Scheduling Motion, then prior to the date set for a hearing on this matter, you or your attorney must:

(X) File with the Court, at the address below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. You must mail or otherwise file it early enough so the Court will **receive** it on or before the due date identified above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street - Suite 4000
Richmond, Virginia 23219

You must also mail a copy to:

Kathryn R. Montgomery, Esq.
Assistant United States Trustee
Office of the United States Trustee
701 East Broad Street - Suite 4304
Richmond, VA 23219

In accordance with the Case Management Procedures, you must also serve a copy of your written Objection on the Core Parties, the 2002 List Parties, and any Affected Entity so that the Objection is received before the Objection Deadline.

PLEASE TAKE FURTHER NOTICE that the Court will entertain the Scheduling Motion on **May 25, 2022, at 11:00 a.m.** (or such time thereafter as the matter may be heard). In connection with the same, the undersigned will appear before The Honorable Kevin R. Huennekens, United States Bankruptcy Judge. Due to the COVID-19 public health emergency, no in-person hearings are being held. This hearing will take place remotely through Zoom on the date and time scheduled herein. To appear at the hearing, you must use the following Zoom registration link:

<https://www.zoomgov.com/meeting/register/vJltfuivqTwsG0w7NNm3z511H7Q0KnjY2W8>

Listen-only conference line[s]:

Dial: 1-866-590-5055

Access Code: 4377075

Security Code: 52522

If you fail to file timely a written response or to attend the hearing, the Court may consider any objection you may have waived and enter an Order granting the relief requested in the Scheduling Motion.

Dated: May 24, 2022

John P. Fitzgerald, III
Acting United States Trustee
Region Four

/s/ Kathryn R. Montgomery
Kathryn R. Montgomery
Assistant United States Trustee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of May, 2022, a true and correct copy of the foregoing document was served via first class mail and/or electronic mail upon: (i) all parties and counsel requesting service via the Court's ECF system, (ii) the Defendants, (iii) the 20 largest unsecured creditors as listed on the Debtor's schedules, (iv) the Service List as defined by the governing Case Management Order, (v) Foley & Lardner, (vi) all Persons identified in paragraph 4 of the FAO Procedures Order, and (vii) counsel for the Chapter 7 Trustee.

By: /s/ Kathryn R. Montgomery
Kathryn R. Montgomery, Esq.

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**MOTION OF THE UNITED STATES TRUSTEE FOR
A STATUS CONFERENCE AND A SCHEDULING ORDER**

John P. Fitzgerald, III, the Acting United States Trustee for Region Four (the “United States Trustee”) respectfully moves the Court for a scheduling order setting a discovery period regarding the United States Trustee’s Objection to the Chapter 7 Trustee’s Motion/Application

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filed under seal in the above captioned case and adversary proceedings (the “9019 Motion”).

This motion is supported as follows:

1. On April 19, 2022, at a hearing before this Court, counsel for the Chapter 7 Trustee set forth on the record terms of a settlement agreement reached by the parties in the above captioned adversary proceedings (the “Adversary Proceedings”).

2. On May 11, 2022, ULX Partners, LLC, UnitedLex Corporation, and ULX Managers, LLC (collectively, the “Defendants”) filed a Motion to Seal Settlement Agreement and Related Documents, Information and Hearings (“Motion to Seal”).

3. On May 23, 2022, the United States Trustee filed his Opposition to the Motion to Seal.

4. A hearing on the Motion to Seal has been set before this Court on May 25, 2022. (Dkt. 208).

5. On May 18, 2022, the Chapter 7 Trustee filed the 9019 Motion. The 9019 Motion was docketed in the main case and the Adversary Proceedings.

6. The 9019 Motion was filed without evidentiary support; however, footnote 14 of the 9019 Motion provides that the Chapter 7 Trustee anticipated filing declaration(s) at the appropriate time to sufficient enable the Bankruptcy Court to, among other things, perform its gatekeeping role in connection with determining the reasonableness of the improvident payment.

7. The Notice of the 9019 Motion indicates that the 9019 Motion is set to be heard by this Court on June 8, 2022, and that objections are due on June 1, 2022.

8. On May 23, 2022, the United States Trustee filed his Opposition to the 9019 Motion, reserving his right to supplement the Opposition.

9. The United States Trustee does not believe that certain terms of the 9019 Motion fully comply with the Bankruptcy Code.

10. The United States Trustee requires discovery to assess the evidentiary support for some of the relief sought in the 9019 Motion.

11. On May 23, 2022, the United States Trustee propounded discovery to the Chapter 7 Trustee in the form of Interrogatories and Requests for Production.

12. On May 20, 2022, the United States Trustee reached out to counsel for the parties by email to ask if the parties were amenable to seeking a status conference and entering into a scheduling order. As of this filing, the United States Trustee and counsel for the Chapter 7 Trustee are engaging in discussions.

13. The United States Trustee believes a status conference with the Court and a scheduling order is necessary for all parties and the United States Trustee to adequately assess the 9019 Motion and present evidence and argument at a hearing on the 9019 Motion.

14. The United States Trustee respectfully suggests that a status hearing be held at the Court's earliest availability, but no later than after the hearing on the Motion to Seal set for May 25, 2022.

WHEREFORE, the United States Trustee requests that the Court grant his request for a status conference and a scheduling order.

Respectfully Submitted,

Dated: May 24, 2022

JOHN P. FITZGERALD, III
Acting United States Trustee Region 4

By: /s/ Kathryn R. Montgomery
Kathryn R. Montgomery (VSB 42380)
Assistant United States Trustee
Office of the United States Trustee
701 E. Broad St., Ste. 4304
Richmond, VA 23219
Ph: (804) 771-2310
Fax: (804) 771-2330
Kathryn.Montgomery@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of May, 2022, a true and correct copy of the foregoing document was served via first class mail and/or electronic mail upon: (i) all parties and counsel requesting service via the Court's ECF system, (ii) the Defendants, (iii) the 20 largest unsecured creditors as listed on the Debtor's schedules, (iv) the Service List as defined by the governing Case Management Order, (v) Foley & Lardner, (vi) all Persons identified in paragraph 4 of the FAO Procedures Order, and (vii) counsel for the Chapter 7 Trustee.

By: /s/ Kathryn R. Montgomery
Kathryn R. Montgomery, Esq.

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**PROPOSED ORDER GRANTING A STATUS CONFERENCE
AND A SCHEDULING ORDER**

Upon the Motion of the United States Trustee, by counsel, requesting a status conference and a scheduling order (the “Scheduling Motion”); and upon the representations by the Office of the United States Trustee that good cause exists for granting the Motion; and this Court having found that proper and adequate notice of the Motion has been given and no other or further

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notice is necessary and that good and sufficient cause exists for granting the relief set forth herein; it is hereby ordered that:

1. The Scheduling Motion is GRANTED.
2. Notice of the Scheduling Motion as provided therein is deemed good and sufficient notice.
3. The status conference shall be held on **May 25, 2022 at 11 a.m.** as previously noticed.
4. Declarations in support of the 9019 Motion shall be filed by _____.
5. The Chapter 7 Trustee and her professionals shall respond to the United States Trustee's discovery request of May 23, 2022 by _____.
6. This Court shall retain exclusive jurisdiction over any and all matters arising from or related to the implementation of this ORDER.

DATE:

BANKRUPTCY JUDGE
UNITED STATES BANKRUPTCY COURT

I ask for this:

/s/ Kathryn R. Montgomery
Kathryn R. Montgomery, Esquire
Assistant United States Trustee
Office of the United States Trustee
701 East Broad Street - Suite 4304
Richmond, VA 23219

CERTIFICATION

Pursuant to Local Rule 9022-1(C), I hereby certify that this Order has been either served on or endorsed by all necessary parties.

/s/ Kathryn R. Montgomery
Kathryn R. Montgomery